

AN ACT

relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.425, Transportation Code, is amended by amending Subsections (b-1) and (f) and adding Subsections (b-2), (b-3), (b-4), and (d-1) to read as follows:

(b-1) Except as provided by Subsection (b-2), a [A] municipality, county, or other political subdivision that enforces this section shall post a sign that complies with the standards described by this subsection at the entrance to each school crossing zone in the municipality, county, or other political subdivision. The department shall adopt standards that:

(1) allow for a sign required to be posted under this subsection to be attached to an existing sign at a minimal cost; and

(2) require that a sign required to be posted under this subsection inform an operator that:

(A) the use of a wireless communication device is prohibited in the school crossing zone; and

(B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.

(b-2) A municipality, county, or other political

1 subdivision that by ordinance or rule prohibits the use of a
2 wireless communication device while operating a motor vehicle
3 throughout the jurisdiction of the political subdivision is not
4 required to post a sign as required by Subsection (b-1) if the
5 political subdivision:

6 (1) posts signs that are located at each point at which
7 a state highway, U.S. highway, or interstate highway enters the
8 political subdivision and that state:

9 (A) that an operator is prohibited from using a
10 wireless communication device while operating a motor vehicle in
11 the political subdivision; and

12 (B) that the operator is subject to a fine if the
13 operator uses a wireless communication device while operating a
14 motor vehicle in the political subdivision; and

15 (2) subject to all applicable United States Department
16 of Transportation Federal Highway Administration rules, posts a
17 message that complies with Subdivision (1) on any dynamic message
18 sign operated by the political subdivision located on a state
19 highway, U.S. highway, or interstate highway in the political
20 subdivision.

21 (b-3) A sign posted under Subsection (b-2)(1) must be
22 readable to an operator traveling at the applicable speed limit.

23 (b-4) The political subdivision shall pay the costs
24 associated with the posting of signs under Subsection (b-2).

25 (d-1) The affirmative defense available in Subsection
26 (d)(2) is not available for an offense under Subsection (b)
27 committed in a school crossing zone located in a municipality,

1 county, or other political subdivision that is in compliance with
2 Subsection (b-2).

3 (f) Except as provided by Subsection (b-2), this [~~This~~]
4 section preempts all local ordinances, rules, or regulations that
5 are inconsistent with specific provisions of this section adopted
6 by a political subdivision of this state relating to the use of a
7 wireless communication device by the operator of a motor vehicle.

8 SECTION 2. This Act takes effect September 1, 2011.

H.B. No. 1899

David Newkirk

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 1899 was passed by the House on April 26, 2011, by the following vote: Yeas 148, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1899 on May 21, 2011, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Robert H. Hanes

Chief Clerk of the House

I certify that H.B. No. 1899 was passed by the Senate, with amendments, on May 18, 2011, by the following vote: Yeas 30, Nays 1.

Arlene Spaw

Secretary of the Senate

APPROVED: 17 JUN '11

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00pm O'CLOCK

JUN 17 2011

Debra McArthur

Secretary of State